

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

THE ESTATE OF KATHERINE J. GONZALES, SCOTT BOX, individually and as Personal Representative, and RUSSELL BOX, children of Katherine J. Gonzales,

Plaintiffs,

vs.

No. 1:11-cv-00486-KG-GBW

AAA LIFE INSURANCE COMPANY, a subsidiary of AAA AUTO CLUB, GENERAL ELECTRIC COMPANY, GENERAL ELECTRIC PENSION TRUST, GENERAL ELECTRIC SAVINGS & SECURITY, METROPOLITAN LIFE INSURANCE COMPANY (Plan Administrator; ERISA), NEW MEXICO DEPARTMENT OF HEALTH, UNIVERSITY OF NEW MEXICO, OFFICE OF MEDICAL INVESTIGATOR, and MICHAEL A. PETERS, ATTORNEY, individually, and PETERS & ASSOCIATES, PA,

Defendants.

**STIPULATED ORDER DISMISSING DEFENDANTS UNIVERSITY OF
NEW MEXICO, OFFICE OF THE MEDICAL INVESTIGATOR, and
NEW MEXICO DEPARTMENT OF HEALTH
WITH PREJUDICE**

THIS MATTER came before the Court on the Joint Motion to Dismiss Defendant University of New Mexico, Office of the Medical Investigator, and Defendant New Mexico Department of Health with Prejudice (Joint Motion) [Doc. 172], and the stipulation of the parties. The Court, having reviewed the Joint Motion, considered the parties' stipulation, and being otherwise fully advised in the premises, FINDS:

1. The Joint Motion to dismiss Plaintiffs' claims in this matter against Defendants University of New Mexico, the Office of the Medical Investigator (UNM/OMI)¹, and New Mexico Department of Health (DOH) with prejudice is well-taken.

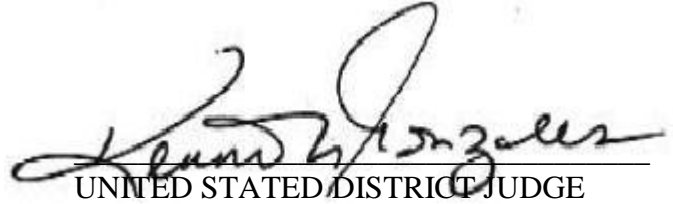
¹ The Office of the Medical Investigator is operated by the University of New Mexico School of Medicine. Therefore, the only and proper party defendant in this case is the Board of Regents of the University of New Mexico, hereinafter "UNM/OMI".

2. There is good cause to dismiss all claims against UNM/OMI asserted by Plaintiffs in this matter, including Plaintiffs' request for a writ of mandamus, and all claims which could have been asserted in this matter against UNM/OMI with prejudice.
3. There is good cause to dismiss all claims against DOH asserted by Plaintiffs in this matter, including Plaintiffs' request for a writ of mandamus, and all claims which could have been asserted in this matter against DOH with prejudice.
4. All parties consent to the dismissal of all claims pending against UNM/OMI in this matter with prejudice, including Plaintiffs' request for a writ of mandamus, and all claims which could have been asserted in this matter against UNM/OMI with prejudice. All parties consent to the dismissal of all claims pending against DOH in this matter with prejudice, and all claims which could have been asserted in this matter against DOH with prejudice.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED:

- A. The Joint Motion is granted in its entirety.
- B. All claims asserted in this matter against UNM/OMI, including Plaintiffs' request for a writ of mandamus, and all claims which could have been asserted in this matter against UNM/OMI are hereby dismissed with prejudice.
- C. All claims asserted in this matter against DOH, including Plaintiffs' request for a writ of mandamus, and all claims which could have been asserted in this matter against DOH are hereby dismissed with prejudice.
- D. With respect to the claims dismissed herein, each party shall bear its own costs and attorneys' fees.

E. This Order is not intended to dismiss or otherwise affect the remaining claims pending against the other defendants, which claims shall remain in full force and effect.



UNITED STATES DISTRICT JUDGE

Submitted and approved:

RILEY, SHANE & KELLER, P.A.

By: /s/ original signed by D. Chet Alderete

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